

Applicant : Dale R. Peterson
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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated August 22, 2005.

Claims 2-10, 12, 13, 17-19, 21-33 and 36-39 are pending in the application. Claims 2, 3, 5, 8-10, 12, 13, 18, 21, 25, 26, 28 and 36-38 have been amended as set forth above. Claims 11, 14-16, 20, 34, 35 and 40-45 were withdrawn as being drawn to the non-elected invention, and have been canceled herein without prejudice. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

DRAWING OBJECTIONS

The drawings were objected to for not showing every feature of the invention specified in the claims. With respect to the power takeoff of claims 2 and 36, Applicant has amended those claims to state that the drive shaft is "configured to connect to a power takeoff of the vehicle". With respect to the "shim plate" of claim 29, Applicant submits that an exemplary shim plate is shown in Figure 3 at reference number 62. Reconsideration and withdrawal of the drawing objections is respectfully requested.

The Office Action included a Notice of Draftsperson's Review, which requires that new formal drawings be submitted. Applicant has ordered new formal drawings that correspond to the informal drawings currently of record, and will submit the formal drawings as soon as they are available.

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ALLOWABLE CLAIMS

Claims 2, 5-7, 13, 17, 23, 28, 29, 32, 33, 36, 37 and 39 were indicated as being directed toward allowable subject matter and as being allowable if rewritten in independent form. Applicant has amended claims 2, 5, 13, 28 and 37 to be in independent form, such that claims 2, 5-7, 13, 17, 28, 29 and 37 are now in condition for allowance.

CLAIM REJECTIONS

Claims 1, 3, 4, 8-10, 12, 18, 19, 25 and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by Paumier, U.S. Patent No. 6,435,234. Claims 21, 22, 24, 25, 26, 30, 31 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paumier, either alone or in view of Bowling, U.S. Patent No. 6,021,825.

Applicant respectfully traverses the rejections of independent claims 1 and 35 and the claims depending therefrom. However, in order to expedite prosecution and allowance of the claims, and without acquiescing in the rejection in any way, Applicant has canceled claims 1 and 35 without prejudice, so that the subject matter of these claims may be pursued in a continuation application in the future. Applicant has also amended dependent claims 3, 8-10, 12, 18, 21, 25, 36 and 38 to be dependent on the allowable and now independent claims 2, 5, 13, 28 and 37, such that claims 3, 4, 8-10, 12, 18, 19, 21-25, 36, 38 and 39 are now in condition for allowance.

Applicant respectfully traverses the rejections under 35 U.S.C. §103(a) of independent claim 26 for the reasons set forth below.

Applicant has amended claim 26 to clarify that the depth guides are positioned on the face of the grinding teeth at different locations than the grinding teeth.

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Applicant submits that Paumier, either alone or in combination with Bowling or any other prior art of record, does not disclose or suggest the stump grinding machine of the present invention, particularly as set forth in independent claim 26 and in the claims depending therefrom. Paumier discloses a disc cutter with a plurality of teeth (48) at the front of the disc for cutting the stump. The disc of Paumier does not include any depth guides on the face of the disc, and more particularly, does not include any depth guides positioned on the face of the grinding teeth at different locations than the grinding teeth.

The Office Action states that the teeth act as a depth guide because "the teeth are prohibited from cutting any further into the stump (S) than the overall length of the cutting teeth". Applicant respectfully traverses the position taken by the Examiner. The disc of Paumier is rotated or spun during operation so that the disc and teeth cut into and grind the stump while the disc is rotating. The teeth thus function to cut and grind the stump as the disc is moved toward and through the stump such that the face of the disc does not contact the stump. The length of the teeth of the Paumier disc thus does not function as a depth guide. Moreover, Applicant submits that if the depth of the cut of the disc of Paumier were limited by the length of the teeth, the disc could not function to cut or grind more than a small portion of the stump and, thus, would not function for its intended purposes.

Bowling discloses a cutting wheel (60) with a plurality of cutting teeth (62) connected thereto. There is no disclosure or suggestion in Bowling of providing any form of depth guides on the face of the cutting wheel. The Office Action refers to reference number 62 as referring to depth guides, but reference number 62 of Bowling refers to "a plurality of cutting teeth 62". See Bowling, column 4, lines 5-7. There is no disclosure or suggestion in Bowling that the cutting teeth 62 also function as a depth guide. Moreover, Bowling teaches away from providing depth guides on the face of a grinding disc, since the cutting wheel of Bowling cuts into a stump via the teeth at the edge of the disc as the edge of the rotating disc engages the stump. This is in stark contrast to the stump grinding machine of the present invention, which

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moves the face of the grinding disc (with teeth and depth guides on the face of the grinding disc) into engagement with the stump to substantially grind the stump as the disc is rotated.

Accordingly, Applicant respectfully submits that neither Paumier nor Bowling teaches or suggests or renders obvious a stump grinding machine with a grinding disc that has, for example, a plurality of grinding teeth on a face of the grinding disc and a plurality of depth guides positioned at different locations from the grinding teeth on the face of the grinding disc. Reconsideration and withdrawal of the rejection of independent claim 26 and the claims depending therefrom is respectfully requested.

Claims 2-10, 12, 13, 17-19, 21-33 and 36-39 remain pending in the application. Applicant respectfully submits that all of the pending claims are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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